

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1066

Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Nielsen)
(Coauthors: Assembly Members Coto, Gaines, Harkey, Huber,
Solorio, and Villines)

February 27, 2009

~~An act to amend Section 4590 of the Public Resources Code, relating~~
An act to amend, repeal, and add Section 4590 of the Public Resources
Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1066, as amended, Mendoza. Forest practices: timber harvesting plans.

~~(1) The~~

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

~~This bill would instead provide that a timber harvesting plan is effective for a period of not more than 5 years, unless extended as specified.~~

~~(2) The~~

The act provides that a timber harvesting plan, on which work has ~~been~~ commenced; but not *been* completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met.

This bill would allow an extension by amendment for up to a maximum of 4 additional one-year extensions, if the plan expired in 2008 or 2009, and those 2 requirements are met.

~~This~~

~~The bill would add to the requirements for this~~ *authorize an extension by amendment for a plan approved on or after January 1, 2010, to December 31, 2011, inclusive, of up to a maximum of 2 2-year extensions, with the additional requirement that the department finds find that listed species have not been discovered in the plan area since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed. If the department is not able to make those findings, the department may would be authorized to consider an amendment to the plan and, if approved, may to grant an extension. This bill would repeal these provisions as of January 1, 2012.*

~~The bill would allow an extension by amendment for up to a maximum of 4 additional one-year extensions, without meeting the new requirement, if the plan expired in 2009.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4590 of the Public Resources Code is
- 2 amended to read:
- 3 4590. (a) (1) A timber harvesting plan is effective for a period
- 4 of not more than ~~5~~ *three* years, unless extended pursuant to
- 5 paragraph (2).
- 6 (2) A timber harvesting plan, on which work has ~~been~~
- 7 commenced; but not *been* completed, may be extended by
- 8 amendment for a one-year period in order to complete the work,
- 9 up to a maximum of two one-year extensions, if ~~all~~ *both* of the
- 10 following occur:
- 11 (A) Good cause is shown.

1 (B) All timber operations are in conformance with the plan, this
2 chapter, and all applicable rules and regulations, upon the filing
3 of the notice of extension as required by this section.

4 (C) ~~Except as provided in paragraph (3), for a timber harvesting~~
5 ~~plan that is approved on or after January 1, 2010, the department~~
6 ~~finds both of the following:~~

7 (i) ~~Listed species have not been discovered in the plan area since~~
8 ~~approval of the timber harvesting plan.~~

9 (ii) ~~Significant physical changes to the harvest area or adjacent~~
10 ~~areas have not occurred since the timber harvesting plan's~~
11 ~~cumulative impacts were originally assessed.~~

12 (3) ~~For a timber harvesting plan that is approved on or after~~
13 ~~January 1, 2010, if the department finds that one or both of the~~
14 ~~conditions in subparagraph (C) of paragraph (2) are not met, the~~
15 ~~timber harvesting plan shall be amended in order to qualify for an~~
16 ~~extension. The timber harvesting plan shall not qualify for an~~
17 ~~extension pursuant to paragraph (2) unless the amendment is~~
18 ~~approved by the department pursuant to Section 4591.~~

19 (b) The extension shall apply to any area covered by the plan
20 for which a report has not been submitted under Section 4585. The
21 notice of extension shall be provided to the department not sooner
22 than 30 days, but at least 10 days, prior to the expiration date of
23 the plan. The notice shall include the circumstances that prevented
24 a timely completion of the work under the plan and, consistent
25 with Section 4583, an agreement to comply with this chapter and
26 the rules and regulations of the board as they exist on the date the
27 extension notice is filed.

28 (c) Stocking work may continue for more than the effective
29 period of the plan under subdivision (a), but shall be completed
30 within five years after the conclusion of other work.

31 (d) ~~Notwithstanding paragraph (2) of subdivision (a), a timber~~
32 ~~harvesting plan on which work has commenced, but not completed,~~
33 ~~may be extended by amendment for up to a maximum of four~~
34 ~~one-year extensions if the plan expired in 2009, and if the plan~~
35 ~~complies with subparagraphs (A) and (B) of paragraph (2) of~~
36 ~~subdivision (a) only.~~

37 (d) *Notwithstanding subdivision (a) and the submission of a*
38 *completion report pursuant to Section 4585, a timber harvesting*
39 *plan, on which work has commenced but not been completed, may*
40 *be reopened and extended by amendment for up to a maximum of*

1 *four one-year extensions if the plan expired in 2008 or 2009, and*
2 *if the plan complies with subparagraphs (A) and (B) of paragraph*
3 *(2) of subdivision (a).*

4 *(e) A timber harvesting plan that is approved on or after January*
5 *1, 2010, to December 31, 2011, inclusive, may be extended by*
6 *amendment for a two-year period in order to complete the work,*
7 *up to a maximum of two two-year extensions, if the plan complies*
8 *with subparagraphs (A) and (B) of paragraph (2) of subdivision*
9 *(a) and neither of the conditions in subdivision (f) have occurred.*

10 *(f) The department shall not approve an extension pursuant to*
11 *subdivision (e) if either of the following have occurred:*

12 *(1) Listed species, as defined in Article 1 (commencing with*
13 *Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game*
14 *Code, have been discovered in the logging area of the plan since*
15 *approval of the timber harvesting plan.*

16 *(2) Significant physical changes to the harvest area or adjacent*
17 *areas have occurred since the timber harvesting plan's cumulative*
18 *impacts were originally assessed.*

19 *(g) An extension of a timber harvesting plan on which either of*
20 *the conditions in subdivision (f) has occurred may be obtained*
21 *only pursuant to Section 1039 of Title 14 of the California Code*
22 *of Regulations. Notwithstanding the notice provision of subdivision*
23 *(b), a landowner shall provide notice to the department of an*
24 *extension pursuant to this subdivision within 130 days.*

25 *(h) This section shall remain in effect only until January 1, 2012,*
26 *and as of that date is repealed, unless a later enacted statute, that*
27 *is enacted before January 1, 2012, deletes or extends that date.*

28 *SEC. 2. Section 4590 is added to the Public Resources Code,*
29 *to read:*

30 *4590. (a) (1) A timber harvesting plan is effective for a period*
31 *of not more than three years, unless extended pursuant to*
32 *paragraph (2).*

33 *(2) A timber harvesting plan, on which work has commenced*
34 *but not been completed, may be extended by amendment for a*
35 *one-year period in order to complete the work, up to a maximum*
36 *of two one-year extensions, if both of the following occur:*

37 *(A) Good cause is shown.*

38 *(B) All timber operations are in conformance with the plan, this*
39 *chapter, and all applicable rules and regulations, upon the filing*
40 *of the notice of extension as required by this section.*

- 1 ***(b) The extension shall apply to any area covered by the plan***
2 ***for which a report has not been submitted under Section 4585.***
3 ***The notice of extension shall be provided to the department not***
4 ***sooner than 30 days, but at least 10 days, prior to the expiration***
5 ***date of the plan. The notice shall include the circumstances that***
6 ***prevented a timely completion of the work under the plan and,***
7 ***consistent with Section 4583, an agreement to comply with this***
8 ***chapter and the rules and regulations of the board as these exist***
9 ***on the date the extension notice is filed.***
10 ***(c) Stocking work may continue for more than the effective***
11 ***period of the plan under subdivision (a), but shall be completed***
12 ***within five years after the conclusion of other work.***
13 ***(d) This section shall become operative on January 1, 2012.***